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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicants: Y. Ohara et al.
Serial No.: 10/532,749 Confirmation-No: 9204
Filed: 04/26/2005
For: CUSHIONING MEMBER AND METHOD OF MANUFACTURING
THE SAME
Examiner: Bradley T. King Art Unit: 3683
Atty. Docket: TSCULB-001US

RESPONSE TO ACTION OF 4/10/2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The requirements for Restriction and Election of species are respectfully traversed, and their withdrawal is requested.

In formal compliance Claims 1-17 (Group I) are elected.
The species of FIG. 1 is elected.
Claims 1-7 and 15-21 read on species of FIG. 1.
Claims 8, 9, 11, 13, and 14 read on species of FIG. 9
Claims 8, 10, 11, 12, 13, and 14 read on species of FIG. 12.

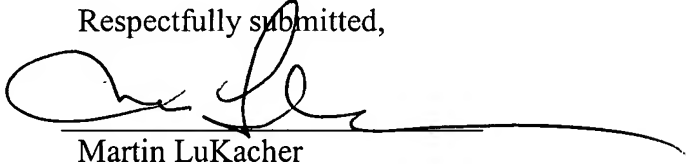
The reasons for traversal are as follows:

- (1) The Examiner has not made the showing required by MPEP 808.02 and has therefore not satisfied the applicable burden on the Examiner in order to make a lack of unity or restriction requirement.
- (2) The Examiner's restriction and species election requirements are inconsistent with, overruled by, the Action of the PCT Examining Authority in the Parent International Application No. PCT/US03/34393, which did not find any lack of unity.
- (3) The claims are linked by the common limitation, in which the cut is partially through the pile intermediate portion.
- (4) As to Claims 1-17, it is immaterial that some of them cover different embodiments in that the claims are in varying degrees of specificity. An election of species requirement is not in order and is never proper for claims of varying specificity.

(5) The claims are so closely related that additional effort will not be required for examination of different claims, for example different classifications, to justify an election or restriction requirement.

Respectfully submitted,


Dated: May 10, 2007


Martin LuKacher
Attorney for Applicants
Registration No. 17,788

South Winton Court
3136 Winton Road South, Suite 301
Rochester, New York 14623
Telephone: (585) 424-2670
Facsimile: (585) 424-6196

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Tammy S. Moynihan

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